

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

**In the Matter of the Search of  
Residence of Mark Kilgore, 418  
Vanderwood Road, Libby, MT 59923**

Case No. MJ-20-~~2~~-M-KLD

**AFFIDAVIT IN SUPPORT OF**  
**AN APPLICATION FOR A SEARCH WARRANT**

**I.**

**The undersigned, Kyle Solon, affiant being duly sworn states:**

2. Your affiant is employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and has been so employed since January 2016. Your affiant is currently assigned to the Helena, Montana, Field Office within the Denver Field Division. Your Affiant is tasked with investigating violations of federal firearms, explosives, and narcotics laws. Prior to employment as an ATF Special Agent, your affiant was certified by the Georgia Peace Officer Standards and Training Council (P.O.S.T.) and employed as a police officer continuously for six (6) years with Cobb County Police Department in Cobb County, Georgia. During my time as a police officer, your affiant successfully applied for, was granted, and executed over a hundred state arrest and search warrants. Your affiant received a Bachelor's degree in Criminal Justice from the University of Georgia in Athens, Georgia. Your affiant is also a graduate of the Criminal Investigator Training Program from the

1 Federal Law Enforcement Training Center, as well as the ATF National Academy, both of which  
2 are located in Glynco, Georgia.

3  
4 3. During my tenure as an ATF Special Agent, I have led and assisted in multiple  
5 investigations related to federal and state criminal firearm, explosives, and narcotics violations. I  
6 have obtained multiple federal search warrants, participated in the execution of numerous federal  
7 and state search and seizure warrants for firearms, explosives, and narcotics violations, and have  
8 conducted interviews of suspects, witnesses, and informants relating to various types of  
9 crimes. These warrants involved the search of locations ranging from residences and businesses  
10 to vehicles and storage facilities. Items searched for, recovered and seized in these locations  
11 have included narcotics, explosives, ammunition, firearms of all types, including those illegal to  
12 possess under any circumstance, records pertaining to the previous purchase or sale of  
13 ammunition and firearms, as well as documents demonstrative of ownership of those illegal and  
14 seized items.

15  
16 4. I have also received specialized training in the investigation of federal firearms  
17 and explosives violations from the ATF National Academy, located within the Federal Law  
18 Enforcement. I make this affidavit from personal knowledge based on my participation in this  
19 investigation, including witness interviews by myself and/or other law enforcement agents,  
20 communications with others who have personal knowledge of the events and circumstances  
21 described herein, and information gained through my training and experience. The information  
22 outlined below is provided for the limited purpose of establishing probable cause and does not  
23 contain all details or all facts of which I am aware relating to this investigation.

24  
25 5. On July 1, 2020, Lincoln County Sheriff Office was lawfully executing a signed  
26 state search warrant related to animal cruelty and criminal endangerment. During the execution  
27 of the warrant, they located multiple firearm silencers and short barrel rifles. They also located  
28 reading material on bomb making. Lincoln County Sheriff Deputies then stopped searching and  
contacted the ATF for guidance. Your affiant made contact with Lincoln County Sheriff Deputies

1 and was advised of their situation. Lincoln County Sheriff Deputies then obtained another search  
2 warrant signed by a district court judge for silencers and short barrel rifles that were in violation  
3 of state law.  
4

5 6. Lincoln County Sheriff Office then located multiple firearm silencers, short barrel  
6 rifles, and parts for firearm silencers and firearms. Some of the silencers were not marked with a  
7 manufacturer or serial number.  
8

9 7. Lincoln County Sheriff Office also located multiple machine guns. The machine  
10 gun's fire selector switch could be turned into the 3<sup>rd</sup> position which is commonly used for fully  
11 automatic fire. The machine guns were function tested on scene and believed to fire fully  
12 automatic.  
13

14 8. A suspected destructive device was also located. Attached to one of the machine  
15 guns was a weapon with a rifled bore, which has a suspected diameter greater than one-half inch,  
16 and was imprinted with "40mm Grenade Launcher." Suspected 40mm ammunition was also  
17 located.  
18

19 9. Your affiant queried the ATF National Firearm Registration and Transfer Record  
20 for items associated with Mark KILGORE's name. Four (4) firearm silencers were found to be  
21 registered to KILGORE. These firearm silencers would be marked with serial numbers. No  
22 machine guns or destructive devices were found to be registered to KILGORE.  
23

24 10. Throughout the residence, firearm tools, firearm parts and firearm equipment was  
25 seen. Items that are to be used to maintain, manufacture, and alter firearms and firearm silencers.  
26

27 11. Explosive chemical precursor ingredients were located by the Lincoln County  
28 Sheriff Office. A package of "Thermite Ignition Mix" and "Magnesium Ribbon" were found. A  
combination of these items mixed together can be defined by the ATF as a pyrotechnic mixture.

12. Based on the foregoing, I submit that there is probable cause to believe that within residence and outbuildings of Mark KILGORE at 418 Vanderwood Road, Libby, MT 59923, also known to the state of Montana, as the Southern half of "HUFFMAN ACRES, S32, T31 N, R31 W, ACRES 2, LOT 4 ASSR#0000008455," there is evidence the crimes of *Possession of a Machine Gun*, in violation of Title 18 U.S.C. § 922(o), *Possession of a firearm not registered in the National Firearms Registration and Transfer Record*, in violation of 26 U.S.C. § Section 5841, 5845(a), 5861(d), 5871, and *Storage of Explosive Material*, in violation of Title 18 U.S.C. § 942(j).

Dated this 2<sup>nd</sup> day of July, 2020.

Kyle Solon  
Kyle Solon, Affiant  
Special Agent, ATF

Based on the Affidavit sworn to before me, the Court hereby finds that there is probable cause to believe there is evidence of the offenses set forth in the affidavit.

DATED this 2<sup>nd</sup> day of July, 2020.

Kathleen L. DeSoto  
Kathleen L. DeSoto  
United States Magistrate Judge